

MINUTES OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

JUDGE: Hon. Bruce S. Jenkins

COURT REPORTER: Michelle Mallonee

COURTROOM DEPUTY: Michael R. Weiler

INTERPRETER: None

RECEIVED

JUN 26, 2013

CASE NO. 12-C-497 BSJ

Poulson, et al v. Ute Indian Tribe of the Uintah and Ouray Reservation, et al

OFFICE OF U.S. DISTRICT JUDGE  
BRUCE S. JENKINS

Approved By: \_\_\_\_\_

APPEARANCE OF COUNSEL

Pla Jesse C. Trentadue  
Pla Marea A. Doherty  
Dft J. Preston Stieff  
Dft Jeffrey Rasmussen  
Dft Grant Charles

DATE: June 25, 2013, 9:30 AM - 11:00 AM

MATTER SET: Motion Hearing re: (#139) Defendant's Motion to Dismiss Party Ute Tribal Court of the Ute  
Tribe and Honorable Smiley Arrowchis ( 1 hr / 30 mins ), Rm 420

DOCKET ENTRY:

Argument & discussion heard. Crt recesses at 10:15 AM, reconvenes at 10:35 AM. Argument & discussion continues. Crt rules:

- Denies, (#139) Defendant's Motion to Dismiss Party Ute Tribal Court of the Ute Tribe and Honorable Smiley Arrowchis.
- Mr. Trentadue withdraws claim as to timeliness. Memo of Appeal filed as Pla Exhibit 1.

Crt schedules:

- All discovery (fact & expert) cutoff 9/30/2013.
- Post-discovery motion(s) filed nlt 10/15/2013.
- Final pretrial conference set 12/6/2013, at 9:30 AM.
- Stip proposed final pretrial order due to chambers nlt 12/3/2013.

Mr. Trentadue to prepare & submit (1) proposed scheduling order, & (2) order denying motion to dismiss, within 5 days.

BY

APR 29 2013

UTE INDIAN TRIBAL COURT  
FT. DUCHESNE, UTAH 84026

THE UTE INDIAN TRIBE APPEAL COURT  
IN AND FOR  
THE UINTAH AND OURAY RESERVATION  
FORT DUCHESNE, UTAH

DEAN REED,  
Appellant

vs.

DEREK DALTON  
Respondent

)

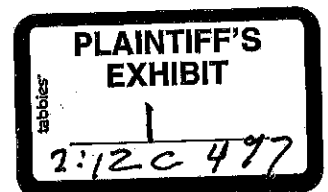
) Memorandum of Appeal

) Case No. CV-12-110

COMES NOW, Dean Reed by and through legal counsel Janet Cuch and  
files this Memorandum of Appeal as follows:

HISTORY OF THE CASE

1. A complaint was filed 17 January 2012 in which the Appellate  
claimed violation of his rights guaranteed under the laws of the Ute  
Indian Tribe, illegal arrest, illegal removal from the reservation and  
damages suffered as a result of the acts of the Respondent.. Exhibit 1
2. Notice of Appearance by Janet Cuch was entered on 19<sup>th</sup> of January,  
2012 in compliance with the ULOC. Exhibit 2
3. On the 16<sup>th</sup> of February 2012 the Respondent filed an Answer to the  
civil complaint claiming immunity under the laws of the State of Utah  
and denying all wrong doing. Exhibit 3



conduct that results in injury to the Appellant, a Ute Tribal Member,  
the officer has no immunity under UGIA.

### CONCLUSION

The Orders of the Court signed by Judge Pechota on 11 January 2013 and entered in the records of the Ute Tribal Court on 3 April 2013 are erroneous in their basis and findings and if left would substantially undermine the rights of the Appellate and all members of the Ute Indian Tribe, as well as undermine the sovereignty of the Ute Indian Tribe.

If the appellate had ripped the uniform of the Respondent the respondent could sue for damages in Ute Tribal Court. How is it that the Orders of Pechota do not all allow the Appellate any remedy in Ute Tribal Court for acts that were committed on tribal lands that threaten the Appellants' existence?

For the above reasons the Appellate respectfully requests that the Ute Indian Tribe Appeals Court overturn the Orders herein Appealed and set this matter for further hearings in the Ute Indian Tribal Court.

Any other relief that is just and proper.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

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Janet Cuch, Counsel for Dean Reed

English Common Law and then proceeding forward through a federalist papers claim of sovereign immunity. Respondent continues to claim immunity under laws of the State of Utah and that there is no subject matter jurisdiction due to the *Montana* limitations and *Nevada v. Hicks*. The final argument of the brief is a distorted and disquieting view of the history of the state of Utah wherein the Respondent claims that the “ State of Deseret provided for governance and dominion over all people and lands lying within its boundaries, which included Indians and Indian lands. Moreover, the state of Deseret’s dominion over tribal governments did not change when it became a United States territory.” In the Respondents summation they state “Utah’s governmental history reveals a sovereignty and dominion over Indians and Indian Lands that was not diminished until Utah’s admission to the union.” Exhibit 9

11. Appellant filed a Response to the Respondents brief on 20 November, 2012. The Appellate raised an argument to the claim of sovereign immunity and the Respondents failure to recognize the disclaimer in the Utah Constitution Art. III Sec 2 and the failure of the Respondent to recognize jurisdictional boundaries and authority in regards to the Ute Indian Tribe and its members. Exhibit 10

12. On 26 March 2013 Counsel for Dean Reed, J. Preston Stieff, Frances Bassett and Alvina Earnhart filed a Motion to Dismiss the Federal Court case above cited. erroneously stating that the Appellant had failed to file an Appeal due to the fact that the Ute Tribal Court through Judge Pechota had dismissed the complaint finding that the Ute Trial Court had no jurisdiction, and that the time to file an appeal had expired, when in fact the Ute Tribal Court had not entered the filings nor served the filings on the Appellant until the 4<sup>th</sup> of April, 2013. Exhibit 11

13. Appearing in the Filings in Federal Court filed on 26 March 2013 a Court Order signed by Judge Terry Pechots on 11 January 2013 a full 3 weeks before the Judge Pechotas' Order were entered in the records of the Ute Tribal Court and without notice to the Appellant, or counsel, and more then two and a half months after it had been signed . Exhibit 12

14. Judge Pechota Order of 11 January 2013 was filed by the Court on April 3, 2013 and served on 4 April 2013 at which time the Appeal time began to click..

15. A Notice of Appeal was filed on 11 April 2013.